

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION and LISA PETTIS

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:00cv229WJG

ROYER HOMES OF MISSISSIPPI, INC.

DEFENDANT

ORDER

THIS MATTER comes before the Court on the motions of Plaintiff Lisa Pettis to revive judgment [108] in this case, and for entry of default judgment [116]. The Court directed the parties to update the award calculation to include interest accrual. (Ct. R., Doc. 108, Exh. A.) The judgment based on the jury verdict in favor of Pettis provided that the judgment was to carry interest from the date of the entry date of the judgment. (Ct. R., Doc. 108-3, p. 2.) A judgment in favor of Pettis' attorney awarded attorney's fees in the amount of \$20,929.03 to William Kulik. (Ct. R., Doc. 108, pp. 2-3.) There is no mention of an award of interest on the fee award. (*Id.*)

Both the \$75,000 judgment and the \$20,929.03 fee award were enrolled in circuit court on December 19, 2002. (Ct. R., Doc. 111.) The interest rate for any particular judgment is to be determined as of the date of judgment, and that is the single rate applicable for duration of interest accrual. *Kaiser Aluminum & Chem. Corp. v. Bonjorno*, 494 U.S. 827 (1990). The date of the judgment in this case is June 27, 2001, and Plaintiffs contend that the applicable interest rate is 3.59%. The \$75,000 judgment shall bear interest as outlined in the calculation of interest submitted by the EEOC on August 21, 2008, subject to updating to the current date. The entry of post-judgment interest on attorneys fees is also proper and shall be awarded according to the calculations

presented by the EEOC on August 21, 2008, also subject to updating to the *present date*. *Louisiana Power & Light Co. v. Kellstrom*, 50 F.3d 319, 332 (5th Cir. 1995). It is therefore,

ORDERED AND ADJUDGED that the motion to revive judgment [108] be, and is hereby, granted. It is further,

ORDERED AND ADJUDGED that amount owing to Lisa Pettis as of August 21, 2008, is \$139,168.68, subject to accrual of interest at a daily rate of \$12.92 until the judgment is satisfied. It is further,

ORDERED AND ADJUDGED that the motion for entry of default judgment [116] be, and is hereby, denied. It is further,

ORDERED AND ADJUDGED that each party shall bear their respective costs associated with these motions.

SO ORDERED AND ADJUDGED, this the 15th day of January, 2009.

Walter J. Gee III
UNITED STATES SENIOR DISTRICT JUDGE